



TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael B. ZEMEL et al.

Appl. No.: 10/827,353

Confirmation No.: 2617

Filed: April 20, 2004

For: HIGH CALCIUM FOODSTUFFS  
FOR WEIGHT LOSS

Art Unit: 1617

Examiner: Not Yet Assigned

Atty. Docket No.: 31894-199297

Customer No.:

26694

**Response to Requirement for Petition to Correct Filing Receipt**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Response to Applicant's request for a corrected filing receipt was issued on September 3, 2004 requiring a petition under 37 C.F.R. 1.182 to change one of the listed inventors' names. Applicants respectfully submit that a petition is not required in the above-reference case because the inventor's name was changed in the parent application well before the filing date of the present application.

The above-referenced application was filed on April 20, 2004 as a divisional application of U.S.S.N. 10/066,057 ("057"). In the '057 application, a petition under 37 C.F.R. 1.182, was filed on November 8, 2002, with a Final Judgment for Divorce order, and subsequently a decision granting the petition was issued on May 6, 2003 (documents enclosed for your convenience). As a result, inventor name "Paula C. Zemel" was effectively changed to "Paula C. Carney" as of May 6, 2003 in the parent application.

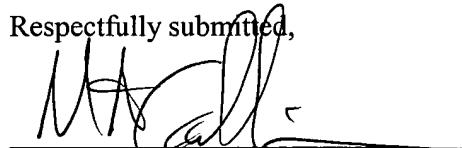
Moreover, on April 20, 2004, the above-referenced application was filed with an Application Datasheet listing said inventor as Paula C. Carney. However, the Filing Receipt mailed June 30, 2004, listed her name as Paula C. Zemel. On July 20, 2004, Applicants

Applicants Zemel et al.,  
Appl. No. 10/827,353

submitted a request for corrected filing receipt, requesting that the name on the filing receipt be listed as Paula C. Carney. On September 3, 2004, the Office mailed a corrected filing receipt listing the correct name, Paula C. Carney. However, the Office also mailed a Response to Request for Corrected Filing Receipt requiring a petition under 37 CFR 1.182 to change the inventor's name. Applicants respectfully submit that the September 3, 2004 Response is moot. In the alternative, applicants request that the requirement for a petition be withdrawn for the above-referenced reasons.

Date: 9/22/04

Respectfully submitted,



Michael A. Gollin  
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Zayd Alathari  
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VENABLE  
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Washington, D.C. 20043-9998  
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Dc2/533224



# UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 2 2004

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	ISING OR 371(c) DATE	FIRST-NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/827,353	04/20/2004	Michael B. Zemel	31894-199297

Venable, Baetjer, Howard and Civiletti, LLP  
P.O. Box 34385  
Washington, DC 20043-9998

Date Mailed: 09/03/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Claims, Fees, and Inventors

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.

The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.

The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.

A petition under 37 CFR 1.182 is required. In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition. The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.

The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.

The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).

The inventor's residence allows for up to 40 characters (letters and spaces combined).

The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).

A petition to change inventors name is needed to make this change. See 37 CFR 1.182. For non-provisional applications, the petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee of \$130 and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.

The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.

The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.

Only the first letter of given, middle and family name is capitalized.

The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.

The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.



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(703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE



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PAPER No. 8

SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
2421 N.W. 41ST STREET  
SUITE A-1  
GAINESVILLE, FL 32606-6669

COPY MAILED

MAY 06 2003

OFFICE OF PETITIONS

In re Application of  
Michael B. Zemel, et al.  
Application No. 10/066,057  
Filed: January 31, 2002  
Attorney Docket No. UTR-104D1

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed November 12, 2002, to effect the name change of the third named inventor.

The petition is **GRANTED**.

PTO records have been corrected as follows:

The name of the third named inventor has been changed from "Paula C. Zemel"  
to "Paula Carney"

A corrected filing receipt is enclosed.

This application is being returned to Technology Center 1600.

*Sherry D. Brinkley*  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Corrected Filing Receipt



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on November 8, 2002.

Frank C Eisenschenk  
Frank C. Eisenschenk, Ph.D.

Petition for Change of Name  
Examining Group 1617  
Patent Application  
Docket No. UTR-104D1  
Serial No. 10/066,057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Helen Nguyen  
Art Unit : 1617  
Applicants : Michael B. Zemel, Hang Shi, Paula Zemel  
Serial No. : 10/066,057  
Filed : January 31, 2002  
Conf. No. : 8306  
For : Materials and Methods for the Treatment or Prevention of Obesity

Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.182

Dear Sir:

The subject application was filed in the U.S. Patent Office as a nonprovisional utility application. The third inventor's name was listed as "Paula C. Zemel." The inventor's name was restored to her maiden name of Paula Carney by judicial order in a Final Judgment For Divorce issued March 1, 2002. Applicants submit herewith a copy of that judicial order (which contains redaction of social security numbers only) and a declaration by the inventor attesting to this name change.

Applicants respectfully request all official records regarding the subject application be revised to indicate the third inventor is "Paula Carney" and is no longer "Paula C. Zemel."

Please charge the surcharge of \$130.00 required by 37 C.F.R. § 1.17(h) to Deposit Account No. 19-0065. The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065. Two copies of this Petition are enclosed.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.  
Patent Attorney  
Registration No. 45,332  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: Saliwanchik, Lloyd & Saliwanchik  
A Professional Association  
2421 NW 41st Street, Suite A-1  
Gainesville, FL 32606-6669

FCE/jaj

Enclosures: Extra Copy of this Petition Under 37 C.F.R. § 1.182  
Declaration of Paula Carney  
Copy of Final Judgment for Divorce



Declaration for Petition for Change of Name  
Examining Group 1617  
Patent Application  
Docket No. UTR-104D1  
Serial No. 10/066,057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Helen Nguyen  
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Serial No. : 10/066,057  
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For : Materials and Methods for the Treatment or Prevention of Obesity

Assistant Commissioner for Patents  
Washington, D.C. 20231

Declaration of Paula Carney

Sir:

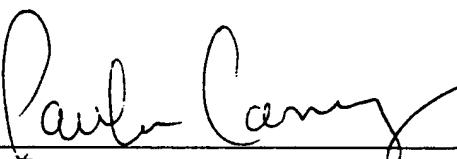
I, Paula Carney, hereby declare:

THAT, my married name at the time of the filing of the above-referenced patent application was Paula C. Zemel; and

THAT my name was restored to my maiden name of Paula Carney by judicial order in a Final Judgment For Divorce issued March 1, 2002 (a copy of which is attached and which contains redaction of social security numbers only).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further declarant sayeth not.

  
\_\_\_\_\_  
Paula Carney, Ph.D. (current name)

8-11-02

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paula C. Zemel, Ph.D. (previous name)

8-11-02

\_\_\_\_\_  
Date

100  
IN THE CHANCERY COURT FOR KNOX COUNTY, TENNESSEE

PAULA C. ZEMEL,

Plaintiff,

vs.

MICHAEL B. ZEMEL,

Defendant.

5-26  
ENTERED

MAR 1 2002

HOWARD G. HOGAN

Docket No. 150541-3 847-93

(NOTICE OF ENTRY REQUIRED)

12/21  
FINAL JUDGMENT FOR DIVORCE

This cause came to be heard on the 1 day of March, 2002, before the Honorable Sharon J. Bell, Chancellor of the Chancery Court for Knox County, Tennessee, upon the original Complaint for Divorce filed by Plaintiff; Defendant's Answer and Counter-Complaint for Divorce; Plaintiff's Answer thereto; the Marital Dissolution Agreement and Permanent Parenting Plan executed and notarized by the parties; the testimony of Plaintiff; and the entire record in this cause, from all of which the Court finds as follows:

1. Irreconcilable differences in fact exist in the marital relation.

2. Paula C. Zemel and Michael B. Zemel have made adequate and sufficient provision by a written Marital Dissolution Agreement dated the 21 day of February, 2002, and Permanent Parenting Plan for the residential sharing time, maintenance, and support of the parties' minor child, Rachel Zemel, and for the equitable settlement of any and all property rights between the parties and said Agreement and Permanent Parenting Plan should be incorporated into this Final Judgment for Divorce.

It is therefore ORDERED, ADJUDGED and DECREED by the Court as follows:

1. The parties are granted an absolute divorce on the grounds of irreconcilable differences and are restored to all the rights and privileges of unmarried persons.
2. The Marital Dissolution Agreement and Permanent Parenting Plan entered into and executed by the parties on the 21 day of February, 2002, are approved and adopted by the Court and attached hereto and made a part of this Final Judgment for Divorce and incorporated herein as if set out verbatim. All of the provisions of said Agreement and Parenting Plan shall be complied with by the parties.
3. Plaintiff is restored to her maiden name of Paula Carney.

BEST AVAILABLE COPY

4. The costs of this cause are taxed equally against the parties, for which execution may issue if necessary. Plaintiff's address is 11604 Lansborough Way #208  
Knoxville TN 37922, and her social security number is

Defendant's address is 328 E. Heritage Dr., Knoxville, TN 37922, and his social security number is

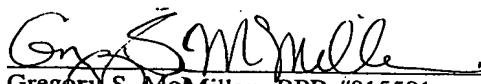
ENTER this 1 day of March, 2002 <sup>bsm</sup>

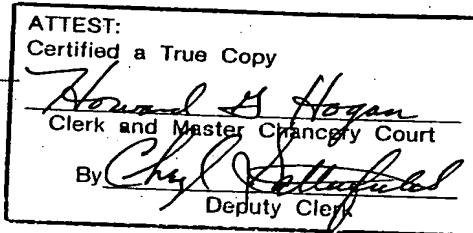


Sharon J. Bell, Chancellor

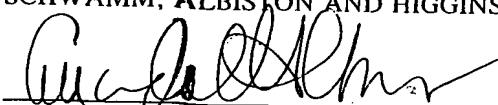
APPROVED FOR ENTRY:

SHEPPEARD & SWANSON

  
Gregory S. McMillan, BPR #015581  
Attorney for Plaintiff  
616 W. Hill Ave.  
P.O. Box 2149  
Knoxville, TN 37901-2149  
(865) 546-3653



SCHWAMM, ALBISTON AND HIGGINS, PLLC

  
Lucinda M. Albiston, BPR #015964  
Attorney for Defendant  
9724 Kingston Pike, Suite 1200  
Knoxville, TN 37922  
(865) 539-9002

Zemel, Michael, FJD

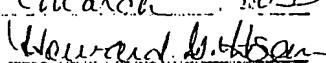
CERTIFICATE

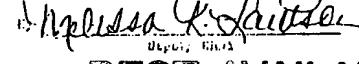
I, Howard L. Hogan, Clerk and Master Chancery Court, do hereby certify that I have mailed a true and correct copy of the foregoing document to all parties named therein, and that the same was approved by Sharon J. Bell, Chancellor, on March 1, 2002.

Attest: Howard L. Hogan  
Clerk and Master Chancery Court

Attest: Melissa K. Bell  
Deputy Clerk

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Howard L. Hogan  
Clerk and Master Chancery Court

  
Melissa K. Bell  
Deputy Clerk

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